United States Forces Korea
Newcomers Orientation

Civilian Equal Employment Opportunity
and
Military Equal Opportunity (MEO/EEO) Programs

Overview

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DOD EEO/EO Mission Statement

~~Contribute to reaching and supporting and~~ improving DOD civilian equal employment opportunity/affirmative employment program (EEO/AEP) and military equal opportunity/affirmative action plan (EO/AAP) goals and objectives.

Ensure the efficient management of EEO/AEP and EO/AAP to achieve a military force structure and civilian workforce that are reflective of the diversity of the American people, consistent with Federal civil rights laws and regulations and Secretary of Defense policy issuances. To make the DoD a model of EEO/EO programs and accomplishment.

DOD
EEO/MEO Policy

Promote an environment free from personal, social, or institutional barriers that prevent service members from rising to the highest level of responsibility possible. Members shall be evaluated only on individual merit, fitness, and capability.

USFK EEO/MEO POLICY

- **…provides equal opportunity and treatment for all members irrespective of their race, color, religion, national origin, sex, or in the case of civilian employees, age and handicapping conditions except as prescribed by statute or policy.**

LEGAL AUTHORITY

- TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. §2000e

- EQUAL PAY ACT OF 1963 (EPA)

- AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967 (ADEA)

- TITLE I OF THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)

- CIVIL RIGHTS ACT OF 1991

EEO/EO PROGRAM SIMILARITIES

EO

- Positions mandated
- Looks at the big picture (micro/macro)
- Requires training (16 weeks -PAFB)

EEO

- Positions mandated
- Looks at the big picture (micro/macro)
- Requires extensive training (2 -3 years of Internship)

EEO/EO PROGRAM DIFFERENCES

EO

- Health, Welfare and Morale issues
- Based on DOD regulations
- Chain of Command/variety of Appellate Systems
- Prohibits race, color, religion, national origin, & sex discrimination.
- Service members & family members
- Covers nearly all aspects of military life
- Does not cover disability issues (except for family members)

EEO

- Employment related issues
- Based on Federal Statutes
- Appellate system leads to Federal Court
- Prohibits discrimination on the same basis plus age & disability
- Current /former employees & job applicants (AF/NAF)*
- Limited to employment related issues
- Disability issues and/or discrimination is covered

* Bona-fide Government Contractors could also covered.

CONCEPTS OF EEO/EO VIOLATIONS

- Prejudice
- Racism
- Sexism
- Discrimination

PREJUDICE

- **Prejudice is defined as a negative attitude or feeling toward certain group based upon faulty and inflexible generalization**

- **Three components of prejudice:**
  - **Think component**
  - **Emotional component**
  - **Acting out prejudice**

ACTING OUT PREJUDICE

- Disparaging Terms
- Avoidance
- Discrimination
- Physical Attacks
- Extermination or Genocide

DEFINITIONS

RACISM

COMPLAINTS

SEXISM

EEO/EO COMPLAINT PROCESS

DISCRIMINATION

REPRISAL/RETALIATION

SEXUAL HARASSMENT

RACISM

- **Racism is defined as any attitude or action by an individual, group, or institution subordinate to another person or group because of skin color or other physical traits associated with a particular group**

SEXISM

- **Sexism is defined as an attitude, behavior, or conditioning that fosters stereotype of social roles based on sex or gender**

DISCRIMINATION

- Define by Webster's Dictionary as- The act or ability to discriminate or make a difference or clear distinction

- EEO/EO Perspective Definition is- Actions or practices carried out by members of dominate groups – or their representatives – which have a differential and harmful impact on the members of subordinate groups

COMPLAINTS

- **An EEO/EO complaint is a report of conduct that is known or suspected to be discriminatory in nature, based on race, religion, color, national origin, sex, age and physical/mental disability**

EEO/EO COMPLAINT PROCESS

- A means for military members and DOD civilian employees to present allegations of unlawful discrimination and sexual harassment by an offending party, or someone in a position of authority, or both

- Goal: Resolution at lowest level possible

REPRISAL/RETALIATION

- Taking or threatening to take an unfavorable personnel action or withholding or threatening to withhold favorable personnel action, or any other act of retaliation against a military or civilian employee for making or preparing to make a protected communication

Sexual Harassment

- **A form of gender discrimination which involves unwelcome sexual advances, requests for favors, & other verbal or physical conduct of a sexual nature…**

- **Four Tenets**
  - Quid Pro Quo - “This for That,”
  - Hostile, Intimidating, or Offensive Environment
  - Supervisor or Commander who uses or condones implicit or explicit sexual behavior to control or influence
  - Deliberate or Repeated Unwelcome Comments, Gestures or Physical Contact

Sexual Harassment

- **Any person in a supervisory or command position who uses or *condones* implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a Service Member or Civilian employee is engaging in sexual harassment.**

- **Any Service Member or Civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.**

Common Sense Test
Ask the following questions

- **Is the *Conduct* *Sexual* in nature or connotation?**
- **Is the *Conduct Unwelcome* by any person subjected to it?**
- **Does the *Conduct Create* a *Hostile or Offensive* work environment?**
- **Are sexual favors demanded, requested or suggested as a *Condition* of job or mission success?**

Apply the Reasonable Person Standard

- In judging whether the incident is Sexual Harassment it must be viewed from the perspective of a Typical, Reasonable Third Party

- Would a reasonable person find that behavior hostile, offensive, or intimidating and adversely affect his/her ability to do his/her work?

Sexual Harassment , if left unchallenged, may result in Sexual Assault

Processing Civilian EEO Complaints

BASIS

To file an EEO complaint the alleged discrimination must address unlawful discrimination based on:

Race

Color

Religion

National Origin

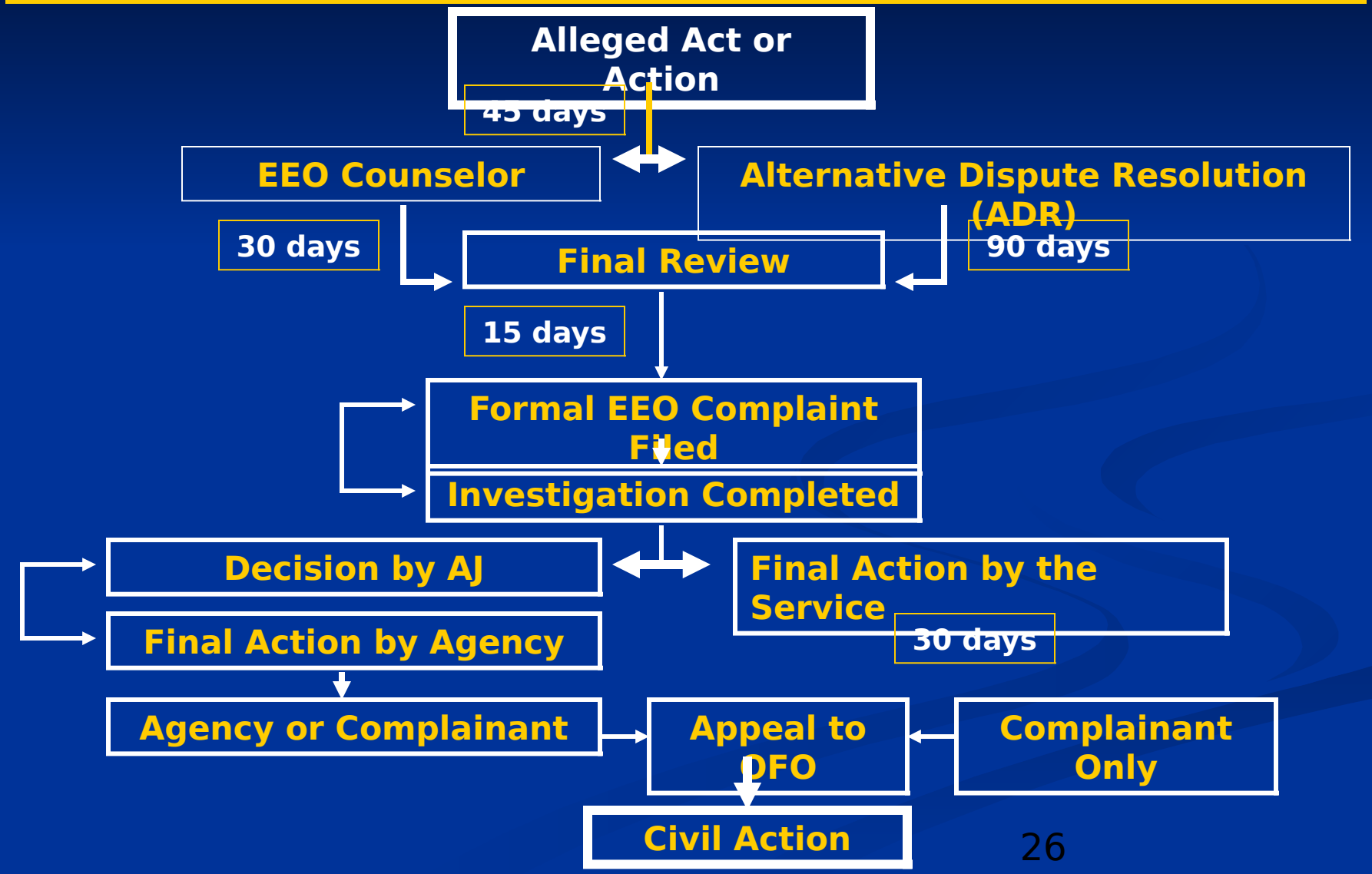
Sex

Reprisal

Age

Mental/Physical Disability

Complaint Processing Timelines



Military Services MEO Programs

Army

Air Forces

Navy

Marine Corps

Coast Guard

Army

- **Complaint Filing**
  - **Primary responsibility for handling EO complaints - Chain of Command**
- **Alternate Filing Avenues**
  - **Higher Echelon In The Chain of Command**
  - **EO Advisor**
  - **IG, SJA, or Chaplain**
  - **Medical Agencies**
  - **Housing Referral Office**

Complaint Processing Timelines

- **Informal:**
  - Soldier does not wish to file a complaint in writing
  - Attempt to solve at lowest level
  - Not subject to time suspense
  - Not reportable
- **Formal:**
  - Soldier files a sworn statement (DA Form 7279-R)
  - No confidentiality (60 days to file from date of incident)
  - Are held to a timeline
  - Reportable to Department of the Army

Complaint Processing Timelines (cont.)

- **Receiving Agency:**
  - Must act within 3 Days (resolve or refer); 72 hrs to inform General Court Martial Convening Authority (GCMCA)
- **Commander or Investigation Officer:**
  - 14 days to investigate & discuss results with complainant (30 day extension can be requested)
- **Complainant:**
  - 7 days to appeal findings (GCMCA has final decision)
- **Unit EOA:**

Air Force

- **The Air Force MEO office will-**
  - Establish a memorandum of agreement with each agency or the host military service responsible for implementing and administering EO program
  - Encourage military personnel from all services the opportunity to use the AF's EO complaint and counseling system
  - Resolve informal complaints at the lowest possible level
  - Conduct and document follow-up actions at least every 5 duty-days

Formal Complaint

- **Submission of any allegation on of unlawful discrimination or sexual harassment to the MEO Office**
- **Clarification Processing Timeline is 20 Days:**
  - 9 duty days for MEO office investigation
  - 6 duty days for SJA review
  - 5 duty days for commander review/action

  Note: Chief, MEO may be grant extensions in increments of 5 days

Sexual Harassment Complaint Timeline

- **Active duty military personnel processing timeline is 14 days:**
  - 6 duty days for MEO office investigation
  - 4 duty days for SJA review
  - 4 duty days for commander review/action

Navy

- Informal Resolution System (IRS) is a system of resolving MEO complaints at the lowest possible level in the chain of command
- Advocate assigned within 24 hours and assist complainant

Formal Complaint

- **An allegation of unlawful discrimination or sexual harassment that is submitted in writing via:**
  - Navy EO complaint (NAVPERS 5454/2),
  - UCMJ Art. 138
  - U.S. Navy Regs Art. 1150,
  - Communication to the Navy Inspector General, elected officials, or
  - Report of Disposition of Offenses (NAVPERS 1626/7) and any other communication the CO deems appropriate

Alternative Avenues for Filing Complaints

- Navy IG Hotline
- DOD Fraud, Waste and Abuse Hotlines
- Letters to Congress (Covered by Navy Regulations Articles 1154 and 1155)

Complaint Processing Timelines

- **Submission of Complaint**
  - Within 60 calendar days of the incident
- **Forward form to CO**
  - Within 1 calendar day
- **Provide referral/counseling service**
  - Within 1 calendar day
- **Commence investigation**
  - Within 3 calendar days

Complaint Processing Timelines (cont.)

- **Resolution**
  - Within 20 calendar days
- **Complainant request review by ISIC**
  - Within 7 calendar days
- **Command follow-up with complainant**
  - Within 30-45 calendar days after resolution
- **Complaints retained for 36 months**

Marine Corps

- Informal Resolution
  - **Individual responsibility to identify behavior and seek resolution**
  - **Complaints are less than criminal in nature**
  - **No documentation required**

Formal Complaints

- **Used for formal resolution of inappropriate behavior**
- **Forward immediately to the commander**
- **Only resolved by the commander**
- **Reported to HQMC via Discrimination and Sexual Harassment Report (DASH)**

Filing Formal Complaints

- Request Mast
- Article 138
- Article 1150
- Inspector Generals
- Communications with Congress

Complaint Processing Timelines

- **Report within 60 days**
- **Inspecting Officer appointed within 3 working days or 72 hours**
- **Investigation completed - 14 days**
- **Commanding Officer determines to substantiate or not - 6 days –**
- **Submit initial DASH – 20 days**

Coast Guard

- **The Coast Guard-**
  - Under the Department of Homeland Security (DHS)
  - A military service and a federal maritime law enforcement agency
  - Have 18 full time MEO Advisors in the service
  - Handles both EEO & EO pre-complaints
  - Follows CG Instruction M5350.4B and CG SOPs
- **The Role of the CG**
  - Facilitate informal resolution efforts and resolve jurisdictional questions
  - Frame the issues of allegations
  - Provide information on the process including mediation
  - Not an investigator

Complaint Processing Timelines

- **Informal complaint:**
  - Must file complaint within 45 days of incident
  - Chain of command resolution attempt – 5 days
  - Commander or Officer-in-charge resolution attempt – 10 days
  - Counseling – 15 to 30 days
  - Agree to informal resolution - add 60 days Agree to mediation - add 60 days
  - Finalized if resolution agreement, if not, file a formal complaint

HELPFUL WEBSITES

Equal Employment Opportunity Commission (EEOC)
http://www.eeoc.gov

Merit System Protection Board (MSPB)
http://www.mspb.gov

Office of Special Council (OSC)
http://www.osc.gov

Office of Personnel Management (OPM)
http://www.opm.gov

Computer/Electronic Accommodation Program (CAP)
http://www.tricare.osd.mil/cap

Federal Labor Relations Authority (FLRA)
http://www.flra.gov

CONTACT INFOMATION

- United States Forces Korea EEO - 723-5724
- 8th ARMY EO/POSH - 723-8446
- 51st FW EO/POSH 784-4040
- U. S. Naval Forces Korea EO/POSH – 723-5389
- U. S. Marine Corps Forces Korea EO/POSH – 723-7088